IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 9885 of 2004

Between:

C.R. Anjaneyulu, S/o. C. Obenna, Hindu,
Rajampet Depot, R/o. Nandimandalam (Village and Post),
Pendlimarri Mandal, Cuddapah District.

..... PETITIONER

AND

1 The Depot Manager, A.P.S.R.T.C., Rajampet Depot,
Cuddapah District.
2 The Divisional Manager, A.P.S.R.T.C.,
Cuddapah District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ, Order or Direction more particularly one in the nature of Writ of Certiorari or any other appropriate direction by calling for the entire records of the Show-cause notice Proceedings No. 02/95(42)/2004-RJPT, Dt. 17-5-2004 issued by the office of respondent No.1 and declare the action of said respondent No.1 is illegal, arbitrary and null and void.

For the Petitioner : MR.K.S.N.MURTHY, Advocate

For the Respondents: MR.P.VINAYAKA SWAMY, Standing Counsel for A.P.S.R.T.C.

The Court made the following Order:

The present writ petition is filed by the petitioner questioning the show cause notice vide No.02/95 (42) 2004-RJPT, dated 17-05-2004 issued to him by the respondents. On the ground of collecting excess fare from some of the passengers, charge memo dated 28-02-2004 and charge sheet dated 06-03-2004 were issued to the petitioner placing him under suspension. After completion of enquiry, the impugned show cause was issued to the petitioner calling upon him to give an explanation within seven days from the date of receipt of the said notice.

The learned Counsel appearing for the petitioner contended that the impugned show cause notice would reveal that the respondents are going to impose a major penalty and that it is not issued by the proper or competent authority and therefore, prays to quash the said notice.

The learned Standing Counsel appearing for the respondents opposed the same on the ground that the impugned notice is only a show cause notice and disciplinary authority gave seven days time to the petitioner to submit his explanation and therefore, the writ petition itself is not maintainable.

The allegation against the petitioner is that on 28-02-2004, when a surprise check was conducted by the officials of the respondents Corporation, certain cash irregularities were found and for which, a charge sheet was issued placing him under suspension. Petitioner has to give explanation to the respondents Corporation within seven days and thereupon, the same has to be considered by the respondents Corporation. It is not a case of the petitioner that the authority, who issued show cause notice is not the proper or competent authority to issue a show cause notice or to initiate disciplinary proceedings. So, in the

absence of any jurisdictional error, this Court normally will not interfere with the show cause notice issued to the petitioner. Hence, the writ petition is devoid of merit and liable to be dismissed.

The learned counsel for the petitioner seeks further time to give explanation to the respondents Corporation as the time given in the impugned show cause notice was expired. Considering the nature of allegation against the petitioner and in view the facts and circumstances of the case, further extension of time can be given to the petitioner to submit his explanation and accordingly, ten days time has been given from today and thereafter, the respondents Corporation is at liberty to proceed further as per law.

The writ petition is accordingly dismissed at the stage of admission. In the circumstances, no costs.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To
1.The Depot Manager, APSRTC, Rajampet Depot,
Cuddapah District.
2. The Divisional Manager, APSRTC, Cuddapah District.
3. Two CD Copies.

Note: issue c.c. by 21-06-2004.

Kvni